

REMARKS

Claims 3, 5, 7-14, 19 and 21-41 were reported in the Office Action as pending. Claims 3, 5, 7-14, 19 and 21-41 are rejected. Claims 7, 9, 11, 12, 21, 22, 23, 25, 26, 30, 31, 32, 38, and 39 have been amended. New Claim 42 has been added. Claims 1, 2, 4, 5, 15-18, 20, and 28 are cancelled. Claims 3, 6-14, 19, 21-27 and 29-42 remain.

Applicant requests reconsideration of the application in view of the following remarks.

It is asserted in the Office Action that Claims 5, 7-12, 21-29 and 34-41 are objected to due to informalities.

Claims 3, 5, 7-14, 19 and 21-41 are rejected under 35 USC 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claims the subject matter which Applicant regards as the invention.

The Examiner further noting, Claims 21 and 22 would be allowable if rewritten or amended to overcome the rejection(s) under 35 USC 112, 2nd paragraph, set forth in this Office Action.

In response, Applicant has amended Claims 7, 9, 11, 12, 21, 22, 23, 25, 26, 30, 31, 32, 38, and 39, and added new Claim 42, which amendments add further structural features and clearly define various mechanisms. Claims 5 and 28 have been cancelled.

Applicant notes that the independent claims have been amended to clarify that the claims are restricted to a device with a fixed magnet associated with the strike and moveable magnet associated with the latch member. Additionally, the claims have been amended to clarify that a biasing device biases the latch member in the non-latching position.

The Examiner contends that Claims 21 and 22 are not generic claims and requests cancellation of claims 34-41, further contending that such claims are directed to an embodiment which cannot work with the embodiment of Claims 21 and 22. In essence, Applicant understands this contention to be founded on the Examiner's view that Figures 9 to 16 relate to an embodiment in which no biasing device is required. However, this is incorrect. A biasing device is required in the embodiments of Figures 9 to 16. Figures 9 to 11 simply illustrate an alternative method of moving the moveable magnet. For simplicity the biasing means is not shown, but there is no suggestion that a biasing means is not required. A person skilled in the art would understand that the mechanism for moving a magnet shown in Figures 9 to 11 must be combined with a biasing device such as that shown in Figures 1 to 10 to provide a functional latch device. Similarly, Figures 12 to 16 simply relate to an alternative strike and there is nothing to suggest that a biasing device is not required in the latch. A person skilled in the art would understand that a latching device including such a strike would also require a biasing device. Therefore, claims 34-41 should not be withdrawn from consideration.

Accordingly, Applicant believes the above amendments and remarks are fully responsive to the Examiner's objections and rejections under 35 USC 112, second paragraph.

Accordingly, reconsideration and withdrawal of the objections to Claims 5, 7-12, 21-29 and 34-41 and rejection of Claims 3, 5, 7-14, 19 and 21-41 under 35 USC 112, second paragraph, is respectfully requested.

Accordingly, Applicant submits that the claims pending following entry of this amendment, namely Claims 3, 6-14, 19, 21-27 and 29-42, are now in condition for allowance, which early action is requested.

If there are any additional fees due in connection with the filing of this response, please charge those fees to our Deposit Account No. 02-2666. If a telephone interview would expedite the prosecution of this Application, the Examiner is invited to contact the undersigned at (310) 207-3800.

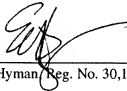
Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN

Date:

6/14/09

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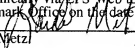
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 6/16/09